

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

Randall Todd Royer,
Petitioner,

v.

Eric D. Wilson,
Respondent.

Civ. No. 1:15cv1021
Crim. No. 1:03cr296

MOTION FOR LEAVE TO EXCEED PAGE LIMIT

COMES NOW Petitioner and moves this Honorable Court for leave to file a reply brief exceeding the page limit set forth in Local Rule of Civil Procedure 7(F)(3). In support thereof he avers as follows.

Local Rule of Civil Procedure 7(F)(3) provides that opening and opposition briefs may not exceed 30 pages and rebuttal briefs may not exceed 20 pages. Plaintiff discovered this while researching his Motion for Leave to File Supplemental Reply Brief, which he is filing contemporaneously with the instant motion.

On October 19, 2015, Petitioner mailed to the Court his reply to the government's opposition to his petition for writ of habeas corpus. The reply was 31 substantive pages long.¹ Petitioner submits that a brief of this length is justifiable in this case for several reasons. First, Petitioner's petition,

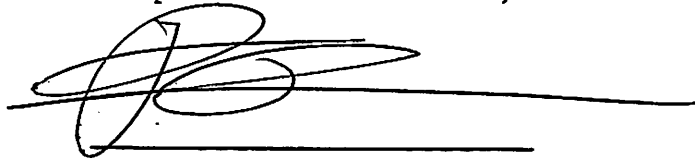
¹ The last page of the reply is numbered "33." However, Petitioner discovered after mailing that he misnumbered the reply by omitting page 8. Additionally, the last page contains only the certificate of service.

which incorporated his legal arguments in support of his petition, was only 15 pages long. The government filed a 30 page opposition raising a wide-ranging array of complex objections to the petition, including procedural arguments and arguments as to the merits. Petitioner could have, but did not, use the entire 30 pages allotted for his opening brief for legal arguments in anticipation of the arguments raised by the government, which would have eliminated the need for him to put those arguments in the reply. Hence, Petitioner's filing of an oversize reply will not burden the court with more pages than would have been filed had Petitioner used the entire 30 pages for the petition. See Harrison v. Prince William County Police Dep't, 640 F. Supp. 2d 688 (E.D. Va. 2009)(granting motion to exceed page limit in part because defendant's "total briefing comes in at less than the total pages that the Local Rules would allow a party that used the entire page limit for both its initial and reply briefs.").

Moreover, Petitioner submits that the depth and complexity of the issues raised by the Petition and the government's opposition justify the in-depth treatment given in the reply, and that that treatment will aid the Court in ruling on the Petition.

Accordingly, Petitioner requests that the Court grant his Motion to Exceed Page Limit.

Respectfull Submitted,

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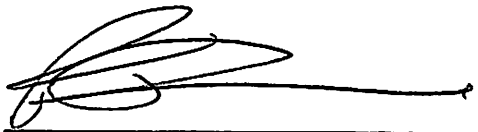
Randall Todd Royer

Dated: October 26, 2015

CERTIFICATE OF SERVICE

I certify that I have sent a copy of the foregoing to
counsel for the Respondent.

Dated: October 26, 2015

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Randall Todd Royer